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July 3, 2023

BY CM/ECF AND EMAIL

Hon. Analisa Torres,
United States District Court,
Southern District of New York,
Daniel Patrick Moynihan U.S. Courthouse,
500 Pearl Street,
New York, NY 10007-1312.

Re: *Contrarian Capital Management LLC, et al. v. Bolivarian Republic of Venezuela*,
19 Civ. 11018 (S.D.N.Y.) (rel. Nos. 18 Civ. 11940 and 19 Civ. 03123)

Dear Judge Torres:

We write to respond to certain statements in Plaintiffs' Declaration of Mark. W. Kelley in Support of Proposed Clerk's Certificate of Default (ECF No. 135). Mr. Kelley's declaration claims that Plaintiffs' new supplemental complaint was "properly served" under Federal Rule of Civil Procedure 5 because it was filed "via CM/ECF" and "sent to counsel for Defendant." Kelley Decl. at 2-3. That is incorrect. As we have twice advised Plaintiffs' counsel—and advised the Court in my May 23, 2023 letter—Sullivan & Cromwell no longer represents Defendant the Bolivarian Republic of Venezuela in connection with this action. *See* ECF No. 130. A final judgment was entered in this action on October 16, 2020, and the case has been formally closed on the docket since May 24, 2021. As a result, contrary to Plaintiffs' suggestion, there was no reason for Sullivan & Cromwell to "withdraw[]" from its representation in this case" after its representation of the Republic ended.

Because our firm no longer represents the Republic, Plaintiffs have not accomplished service on Defendant pursuant to Rule 5(b) by merely filing their new complaint on the docket.

Hon. Analisa Torres

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Respectfully submitted,

/s/ Judson O. Littleton

Judson O. Littleton